United Nations A/67/533

General Assembly

Distr.: General
23 October 2012

Original: English

Sixty-seventh session
Agenda item 110 (d)
Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 17 October 2012 from the Permanent Mission of Brazil to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Brazil to the United Nations presents its compliments to the Office of the President of the General Assembly and, with reference to its note 040 dated 27 January 2009, which announced Brazil's candidature to the Human Rights Council, has the honour to transmit the voluntary pledges and commitments of the Government of Brazil on the promotion and protection of human rights, in accordance with General Assembly resolution 60/251 (see annex).

The Permanent Mission of Brazil would appreciate it if this note and its annex could be circulated as a document of the General Assembly.

12-56578 (E) 051112

Please recycle

Annex to the note verbale dated 17 October 2012 from the Permanent Mission of Brazil to the United Nations addressed to the President of the General Assembly

Candidature of Brazil to the Human Rights Council, 2013-2015

Voluntary pledges and commitments

1. The Brazilian Government renews its unconditional commitment to achieving the highest standards in the protection of human rights. The consolidation of Brazilian democracy combines respect for civil and political rights with the progressive realization of economic, social and cultural rights, in a process of social inclusion which consecrates the indivisibility of human rights. The Brazilian State has, as its goal, to go beyond the achievements already made in national legislation and to consolidate qualitative progress in the promotion and protection of human rights in the country.

2. Brazil trusts the universal human rights system and is committed to deepening the domestic process of fully guaranteeing human rights, in line with established international principles. We hope to contribute to the workings of the Human Rights Council in a constructive and innovative way, respecting the principles of universality, impartiality and non-selectivity.

3. In this sense, Brazil pledges to:

(a) Continue to participate in the activities of the Human Rights Council, in dialogue with the other mechanisms of the United Nations human rights system, on the basis of the principles of universality, impartiality, objectivity and non-selectivity, through reinforcement of dialogue and international cooperation;

(b) Combat racism and racial discrimination, both domestically and internationally;

(c) Continue to support capacity-building activities in countries evaluated under the universal periodic review mechanism of the Human Rights Council;

(d) Continue to participate actively in all evaluations within the scope of the universal periodic review, presenting recommendations sensitive to the needs of countries under review and capable of spurring dialogue and cooperation;

(e) Implement effectively the recommendations received in the universal periodic review;

(f) Elaborate a system for monitoring the implementation of those recommendations in partnership with the Regional Office of the United Nations High Commissioner for Human Rights and in dialogue with civil society organizations;

(g) Continue its commitment to the strengthening of international cooperation on human rights, in line with the significant experience the country has acquired in this field;

(h) Continue its transparent and constructive dialogue with the mechanisms of the international human rights system and its standing invitation to mandate

holders of the special procedures of the Human Right Council, as has been its practice since 2001;

(i) Submit throughout the 2013-2015 timeline all the periodic reports due to the human rights treaty bodies, as well as follow up the implementation of their recommendations;

(j) Continue its commitment to a successful conclusion of the negotiations within the World Intellectual Property Organization of an effective international instrument that would prevent copyright law from becoming an obstacle to equalitarian access by people with visual impairment or reading disabilities to information, culture and education;

(k) Remain committed to the completion of the negotiation of an international instrument on the rights of older people;

(l) Work towards the elaboration of regional instruments for the promotion and protection of human rights, such as the Inter-American Convention against Racism and All Forms of Discrimination and its Protocols and the American Declaration on Indigenous Peoples;

(m) Support the Office of the United Nations High Commissioner for Human Rights (OHCHR) and provide resources necessary for the effective performance of its functions;

(n) Strengthen technical assistance and capacity-building within the scope of the Human Rights Council, pursuant to item 10 of that body's agenda;

(o) Continue to engage in dialogue with the Inter-American Human Rights Commission and Court and continue to follow up on the petitions, cases and measures brought before these bodies;

(p) Continue to take part in the current discussions within the Organization of American States on strengthening the inter-American system of human rights;

(q) Strengthen political cooperation and dialogue on human rights within the framework of MERCOSUR;

(r) Stimulate political cooperation and dialogue in the field of human rights within the framework of the Union of South American Nations (Unión de Naciones Suramericanas (UNASUR));

(s) Continue to promote, protect and respect human rights in all their dimensions;

(t) Elaborate a national system of human rights indicators by 2015;

(u) Continue its commitment to combat the sexual exploitation of children and adolescents, while working to reduce youth mortality, to improve the situation of young people in conflict with the law and to give priority to early childhood;

(v) Reduce deficits in the penitentiary system through the implementation of the National Plan for the Improvement of the Penitentiary System (Plano Nacional de Aprimoramento do Sistema Penitenciário).

I. Participation in the Human Rights Council

4. The promotion and protection of human rights constitute fundamental values on which the legitimacy and democratic foundations of the Brazilian State are based. These values are enshrined in the 1988 Brazilian Federal Constitution and reflected in Brazil's accession to the main international human rights treaties. They are manifested by the adoption of a series of public policies aimed at promoting and protecting human rights and by the creation of a range of mechanisms to foster dialogue and political participation in the formulation and implementation of related policies.

5. These principles spurred Brazil's candidature to the Human Rights Council for the periods 2006-2008 and 2008-2011 and, once again, underpin the country's decision to present its candidature to the Human Rights Council for the period 2013-2015.

6. To this end, Brazil reaffirms its determination to participate in the activities of the Human Rights Council and to maintain an ongoing dialogue with the various mechanisms of the United Nations human rights system, through the adoption, based on the experience amassed from 2006 to 2011, of an approach genuinely inspired by the principles of universality, impartiality, objectivity and non-selectivity, as well as by the reinforcement of dialogue and international cooperation.

7. Brazil values the role of the treaty and non-treaty bodies of the United Nations human rights system in assessing countries' human rights situations as an extension of the commitments undertaken by the country, in dialogue with such mechanisms, to identify solutions to remaining challenges on the domestic front.

8. Brazil's efforts to ensure dialogue-based, objective and universal treatment of the human rights situation in specific countries were recognized by the invitation it received to become a facilitator of the negotiations on the chapter on the methods of work of the Human Rights Council during the discussions held in Geneva to review the work and functioning of the Council. These efforts were similarly reflected in Brazil's participation in the evaluations of nearly every country considered under the universal periodic review mechanism in the period 2008-2011.

9. Brazil has also supported the activities of the special procedures system since the initial launch of the institutional framework of the Human Rights Council in the period 2006-2007. Besides favouring the establishment of new procedures, Brazil has contributed towards expanding the scope of existing procedures. As an example, Brazil undertook strenuous efforts so that the mandate of the Special Rapporteur on the right to health would incorporate questions relating to access to medicine, the right to development, and the rights of individuals living with HIV/AIDS.

10. In its first two terms on the Human Rights Council, Brazil led or co-sponsored a number of other initiatives that reflect the country's steadfast commitment to promoting and protecting human rights and to strengthening the United Nations human rights system.

11. These initiatives included convening the tenth special session of the Human Rights Council in February 2009 to discuss the impact of the global economic and financial crisis on human rights. In Brazil's view, the emerging effects of the crisis, which were then expected to manifest themselves through growing poverty and

inequality, increasingly unstable and less secure working conditions, reduced social rights, and heightened discrimination and xenophobia, fully justified the organization of the session and the updated discussions on the issue.

12. Equally important was the decision to convene the thirteenth special session of the Human Rights Council in January 2010, with the full participation of Haiti, to discuss strategies for incorporating a human rights perspective in the country's rebuilding efforts in the wake of the devastating earthquake that had claimed 300,000 lives.

13. Brazil will also remain committed to tackling racism and racial discrimination, both domestically and internationally. In this respect, Brazil has supported the follow-up mechanisms of the Durban Declaration and Plan of Action. In 2008, Brazil hosted the Regional Conference for Latin America and the Caribbean preparatory to the Durban Review Conference and took an active part in the main event in Geneva in 2009.

14. Brazil has also proposed a series of resolutions which reflect its commitment to overcoming racism and racial discrimination from a variety of perspectives. Brazil and South Africa, in their capacity as hosts of the 2010 and 2014 FIFA World Cups, proposed to the Human Rights Council, in March 2010, a resolution entitled "A world of sports free from racism, racial discrimination, xenophobia and related intolerance" (resolution 13/27). Aware of the challenge posed to peaceful and democratic coexistence by political platforms with racist and xenophobic overtones, Brazil reintroduced, in September 2011, a resolution in the Human Rights Council reaffirming the "Incompatibility between democracy and racism" (resolution 18/15).

15. Also drawing on the connection between sports and human rights, Brazil, as host of the 2016 Summer Olympic Games, submitted to the Council, in September 2011, a resolution on "Promoting awareness, understanding and the application of the Universal Declaration of Human Rights through sport and the Olympic ideal" (resolution 18/23). As the country organizing two of the world's leading sporting events in 2014 and 2016, respectively, Brazil hopes to generate opportunities to promote and disseminate a culture founded on dialogue and respect for fundamental rights and guarantees.

16. Brazil also strove to advance the promotion of children's rights through fostering the submission of resolutions on adopting the "Guidelines for the alternative care of children" (resolutions 9/13 and 11/7), an essential measure to protect children deprived of proper parental care.

17. Aware of the mobilizing potential of the Universal Declaration of Human Rights, Brazil secured, in September 2007, the adoption by the Council of a resolution on the elaboration of human rights voluntary goals to be launched on the occasion of the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights (resolution 6/26). The effort provided the basis for the adoption, the following year, of a resolution entitled "Human rights voluntary goals" (resolution 9/12), which establishes a set of 10 commitments capable of positively impacting the ability of countries to promote and protect the rights provided for in the Universal Declaration.

18. Brazil's initiatives within the framework of the Human Rights Council have not been limited exclusively to proposing resolutions. As part of the effort to forge consensus within the body, Brazil proposed the "Joint statement on international

cooperation and capacity-building" at the seventeenth session of the Human Rights Council, in June 2011. At the same session, Brazil spearheaded the consultations on the "Joint statement on the rights of older persons".

19. Throughout all these initiatives, as well as in others co-sponsored by the country or in which it has taken an active part, Brazil has sought to reinforce the value of cross-cutting approaches, in line with the universality, interdependence and interrelatedness of all human rights. Similarly, it has attached particular importance to maintaining an ongoing dialogue with civil society on these issues.

20. In Brazil's view, the universal periodic review mechanism represents one of the pillars of the Human Rights Council, as it embodies the principles of universality, impartiality and non-selectivity essential to ensuring balanced and constructive treatment of countries under consideration. Brazil played a constructive role in the interactive dialogue promoted with countries participating in the first cycle of the universal periodic review, contributing with questions and recommendations to the process. Brazil sought, throughout its interventions, to give an objective and balanced assessment, identifying and recognizing, where possible, the efforts of countries to promote human rights, as well as the specific challenges inherent in each specific country situation. Our country will, moreover, remain willing to support capacity-building activities in countries undergoing evaluation under the mechanism, such as the exchange of experiences provided to foster the participation of Angola, Haiti, Panama, and Sao Tome and Principe in the exercise.

21. Brazil reaffirms its intention to continue participating actively in all evaluations within the scope of the universal periodic review, presenting recommendations sensitive to the needs of countries under review and capable of spurring dialogue and cooperation.

22. It is worth noting that Brazil participated openly and constructively in the second universal periodic review evaluation to which it was submitted in May 2012. Brazil is committed to implementing effectively the recommendations accepted in its review (see A/HRC/21/11). Towards this goal, it intends to elaborate a system for monitoring their implementation in partnership with the Regional Office of the United Nations High Commissioner for Human Rights and in dialogue with civil society organizations.

23. Brazil considers that strengthening international cooperation is an indispensable building block for the international human rights system to achieve the constructive character that is required. After the development of a significant set of international rules and principles on human rights, and the creation of mechanisms responsible for ensuring their effective implementation, the United Nations human rights system must, from the Brazilian point of view, grant equivalent attention to technical assistance and capacity-building activities, unless its deliberations and recommendations are to have a purely prescriptive value.

24. Brazil will remain committed to supporting the strengthening of international cooperation on human rights, in line with the significant experience the country has acquired in facing challenges in this area. Fields such as the promotion of children's rights and the rights of disabled people, universal access to birth records, human rights education and the combat against domestic violence are examples of areas in which Brazil has been requested to act as a provider of cooperation. Other such fields are the combat against forced and child labour, the promotion of the right to

adequate food, the implementation of programmes of conditional income transfer, the creation of productive capacity as an integral part of initiatives to combat poverty, as well as access to medicine as a necessary condition for realizing the right to health.

25. Among the areas in which Brazil has been called to act as a provider of technical assistance and of capacity-building, the promotion of the right to adequate food has gained increasing prominence. Brazil has sought to expand the success of its poverty eradication and hunger-fighting strategies to countries equally dedicated to realizing the right to food and to promoting food and nutritional security. Support for the elaboration and implementation of policies that combine the combat against hunger and malnutrition with family farming aid programmes is one of the pillars of Brazilian strategy, whose replication will continue to be part of the country's efforts in favour of South-South cooperation on human rights.

26. Among these actions, it is worth underlining the More Food — Africa Programme, which supports African countries' strategies for achieving food and nutritional security. The programme combines technical cooperation with facilitating access to machines and equipment for household production of food, through a specific credit line that adapts the experience of the Brazilian National Programme for Family Agriculture (PRONAF) — More Food to financing requirements for the export of machinery and equipment to African countries.

27. Brazil also seeks to support humanitarian cooperation initiatives that allow immediate access of populations in severe food insecurity to nourishment, always with the consent of the beneficiary country and in partnership with international organizations such as the Food and Agriculture Organization of the United Nations (FAO), the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR). Such initiatives have constituted an important means of providing immediate relief, ensuring resilience against social and natural disasters and stimulating the recovery and sustainable development of affected countries.

28. Brazil adopts a two-dimensional strategy of humanitarian cooperation, combining emergency support with structural measures to strengthen the resilience and food and nutritional security of countries affected by or at risk of disasters.

29. In 2010, Brazil made a voluntary contribution of US$ 800,000 to UNHCR to support humanitarian actions in Haiti. Those resources were used to strengthen school meals programmes and to install classrooms in temporary camps for the country's internally displaced persons. The Brazilian Government has also provided humanitarian assistance, through UNHCR, to refugees and/or to internally displaced persons in Sri Lanka, Iran, Iraq, Ecuador, Colombia and Pakistan. The amount provided to UNHCR for humanitarian purposes was US$ 3.3 million.

II. Relationship with international human rights monitoring, promotion and protection mechanisms

30. Brazil reaffirms its readiness to maintain a transparent and constructive dialogue with international human rights mechanisms. To this purpose, it has maintained an open invitation to all the mandate holders of special procedures of the

Human Rights Council since 2001. It should be noted that Brazil has received visits by 17 such mandate holders since 1998.

31. During its two previous terms on the Human Rights Council, since 2007, Brazil received visits from the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston; the Special Rapporteur on the rights of indigenous peoples, Mr. James Anaya; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms. Gulnara Shahinian; the Special Rapporteur on the right to food, Mr. Olivier De Schutter; and the Independent Expert in the field of cultural rights, Ms. Farida Shaheed. The Sub-Committee on the Prevention of Torture, in 2011, and the Independent Expert on human rights and international solidarity, Ms. Virginia Dandan, also visited the country officially after Brazil left the Human Rights Council. Within the framework of the universal periodic review, Brazil has regularly recommended that all countries extend standing invitations to the mandate holders of the special procedures of the Human Rights Council.

32. Brazil pledges to submit, during the period 2013-2015, all the periodic reports due to the human rights treaty bodies to which the country belongs, as well as to follow up the implementation of their recommendations.

33. Brazil has also been an active participant in other United Nations forums which also address human rights issues. Examples of this engagement include Brazil's joint submission, with the other participating States of the India-Brazil-South Africa Dialogue Forum, for the consideration of the United Nations General Assembly at its 66th session, of a resolution reaffirming the universality, indivisibility and interdependence of all human rights. Brazil has also supported the treatment of the issue by the United Nations Security Council, with the incorporation of human rights criteria in peacekeeping operations, as well as by the Guinea-Bissau configuration of the Peacebuilding Commission, currently chaired by Brazil, which has made several recommendations directly related to human rights issues.

III. Accession to international human rights instruments and development of new instruments

34. Brazil attaches great importance to the development of international human rights law. In this light, it has supported the negotiation of new international instruments and has acceded to several to which it was not yet a party. Brazil is now formally a party to instruments, set out in the voluntary commitments it submitted in 2008, which were either pending final drafting, ratification, or accession, specifically:

- International Convention for the Protection of All Persons from Enforced Disappearance (2010)
- Convention on the Rights of Persons with Disabilities and its Optional Protocol (2008)
- Optional Protocol to the International Covenant on Civil and Political Rights (2009)

- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (2009)

35. In 2011, the Brazilian National Congress approved the Inter-American Convention on Forced Disappearance of Persons.

36. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is also under consideration in the Brazilian National Congress.

37. It is worth noting that Brazil actively participated in the negotiation of the third Optional Protocol to the Convention on the Rights of the Child, signed by the country since 28 February 2012.

38. Brazil reaffirms its strong commitment to the successful conclusion of the negotiations within the World Intellectual Property Organization towards an effective international instrument that would prevent copyright law from becoming an obstacle to equal access by people with visual impairment or reading disabilities to information, culture and education. Similarly, Brazil will remain committed to the successful completion of the negotiations for an international instrument on the rights of older people. Finally, Brazil will continue to pursue the elaboration of regional instruments for the promotion and protection of human rights, such as the Inter-American Convention against Racism and All Forms of Discrimination and its Protocols and the American Declaration on Indigenous Peoples.

IV. Relationship with the Office of the United Nations High Commissioner for Human Rights

39. Brazil reaffirms its commitment to supporting OHCHR and to providing the resources necessary for the effective performance of its functions.

40. On her visit to Brazil in November of 2009, the High Commissioner, Ms. Navi Pillay, met with the President of the Republic, in addition to a number of other high-level federal and state officials. During her visit, a memorandum of intent was signed between Brazil and OHCHR on the promotion of South-South cooperation in the field of human rights, a groundbreaking initiative aimed at providing a more appropriate framework for South-South cooperation dedicated, in particular, to providing capacity-building on the implementation of voluntarily accepted recommendations of the evaluations conducted under the universal periodic review mechanism.

41. Brazil reiterates its readiness to strengthen technical assistance and capacity-building within the scope of the Human Rights Council, pursuant to item 10 of that body's agenda. Brazil attaches importance to realizing the full potential of the Council and the United Nations human rights system, with a view to undertaking tangible cooperation measures for countries that are seeking to address challenges in the field of human rights, but that may lack the required technical, material or institutional capacities. The fact that Brazil recognizes and faces, through innovative practices and policies, its own human rights challenges has led to increasing requests for it to provide international cooperation on this theme.

V. Strengthening regional human rights promotion and protection systems

42. Brazil reiterates the importance of the inter-American human rights system and will remain engaged in the ongoing dialogue maintained with the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights and in following up on the petitions, cases and measures brought before these bodies. Brazil will also continue to participate in the current discussions within the Organization of American States on strengthening the inter-American system of human rights.

43. Within the framework of MERCOSUR, Brazil will remain committed to strengthening political cooperation and dialogue on human rights with the other member and associated States. In this light, Brazil recalls its participation in the Meetings of Senior Officials on Human Rights and Foreign Ministries of MERCOSUR and Associated States (Reunión de Altas Autoridades de Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados (RAADH)), now in its twenty-first session, and Brazil's support for the creation and establishment of the MERCOSUR Institute for Public Policy on Human Rights (Instituto de Políticas Públicas de Derechos Humanos (IPPDH)), with the purpose of strengthening regional cooperation in this area.

44. The country also pledges to seek to stimulate political cooperation and dialogue in the field of human rights within the framework of the Union of South American Nations (Unión de Naciones Suramericanas (UNASUR)).

VI. Domestic progress in the field of human rights

45. On the domestic front, Brazil reiterates its determination to continue promoting, protecting and respecting human rights in all their dimensions. It is a priority of the Brazilian Government to combine initiatives for the promotion of human rights with the country's development efforts, in order to enhance the empowerment and capacity of people and communities to exercise their citizenship fully, in the context of the country's present virtuous and sustainable cycle of economic growth and social inclusion.

46. The planning and execution of national human rights policies are firmly anchored in the third National Human Rights Programme (Programa Nacional de Direitos Humanos III (PNDH III)). Initiated in 2009, the Programme sets forth commitments and guidelines for State action and strengthens human rights as a cross-cutting component within public policy initiatives and democratic spaces. PNDH III is the product of broad discussions between government agencies at the local, state and federal levels and civil society movements and organizations across the country. In addition, the programme consolidates the universality, indivisibility and interdependence of all human rights in Brazil.

47. The Federal Government has also submitted a bill to the Brazilian National Congress to create a national human rights institution, equipped with the necessary human, material and financial resources to ensure its operation, enabling its accreditation by OHCHR.

48. Additionally, in fulfilment of the voluntary commitment made by the country during the first cycle of the universal periodic review, Brazil remains engaged in the elaboration of a national system of human rights indicators by 2015 — a project undertaken in partnership with the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA), with the technical support of the High Commissioner for Human Rights. Next year, the first step of the national system will be implemented, including 5 of the 12 rights defined by the High Commissioner's methodology (education, health, work and employment, citizenship and food security), as well as an additional right: environment.

49. The national indicators system will become an important tool to help the work of public managers in formulating policies on human rights, as well as the participation of the population and civil society in monitoring such policies. It will also facilitate the monitoring, the compliance and the fulfilment of international commitments undertaken by Brazil.

50. In recent years, Brazil has secured significant progress on a number of fronts connected to human rights and intends to continue its active efforts to promote and protect human rights in areas where insufficiencies can still be identified. Some of the most significant areas of Brazilian State action on the domestic front in the field of human rights are described below.

51. Brazil considers overcoming extreme poverty an imperative of the State and a priority for national development policies. With this goal, the "Brazil without Poverty" ("Brasil Sem Miséria") Plan was launched in June 2011 to complement the series of policies already adopted in recent years to combat hunger and poverty, which have had a significant impact on promoting the rights of vulnerable families throughout the country. The initiative aims to lift 16.2 million people out of extreme poverty by 2014 by integrating existing programmes, policies and actions in areas such as conditional income transfer programmes, equal access to public services, and stimulus to productive inclusion. Guided by the recognition that a significant portion of the people living in extreme poverty are not reached by programmes for which they are eligible, the Plan centres on a strategy called "Active Search" ("Busca Ativa"), through which the State pledges to locate and to include its most vulnerable citizens among the beneficiaries of public policies.

52. Brazil has implemented many initiatives to guarantee the human right to adequate food, especially through the national strategy called "Zero Hunger" ("Fome Zero"). It is important to highlight the inclusion of this right in the Federal Constitution in 2010, as well as the consolidation of new institutional achievements, such as the implementation of the National System on Food and Nutritional Security (Sistema Nacional de Segurança Alimentar e Nutricional) and the institution of the National Policy on Food Security (Política Nacional de Segurança Alimentar). As a result, Brazil has been one of the countries which has shown most progress in decreasing infant mortality and malnutrition. Infant mortality rates diminished from 55.7 per 1,000 live births in 1990 to 21.8 in 2009, while infant malnutrition rates were reduced by 90 per cent between 1989 and 2009.

53. As regards the promotion of social equality, the Brazilian Government has implemented the Unified Social Security System (Sistema Único da Assistência Social (SUAS)) in 2005, which has been reinforced by the updating of the Social Security Law (Lei Orgânica de Seguridade Social (LOAS)) in 2011. SUAS structures the network of social protection of the Brazilian Government and seeks to

promote the access of the poorer and most vulnerable sectors of the population to social services. SUAS turns measures that once were of a purely humanitarian character into policies that guarantee rights.

54. Another priority for Brazil has been the promotion and protection of the rights of children and adolescents. Significant success has been achieved in reducing infant mortality and child labour, securing universal access to primary education and guaranteeing a minimum income for vulnerable families. The Decennial Plan for the Rights of Children and Teenagers, approved in April 2011 by the National Council on the Rights of Children and Teenagers (CONANDA), establishes the guidelines, to be implemented in the medium and long terms, for a national policy on the rights of children and teenagers. One must emphasize, in this context, Brazil's firm commitment to combating the sexual exploitation of children and adolescents, to reducing youth mortality, to addressing the situation of young people in conflict with the law and to giving priority attention to early childhood. Within this context, Law 12.594 was approved in 2012, regulating the national socio-educational system and providing for the articulation, with a view to ensuring the rights of teenagers in conflict with the law, of public policies in areas such as education, health, public safety, and social work, among others.

55. As regards the elimination of child labour, 6,603 law-enforcement operations were conducted in establishments or sites from 2007 to 2011, resulting in protection measures for 22,505 children and teenagers. Beyond these efforts, Brazil has attached special importance to policies geared towards preventing child labour. The results of such efforts are reflected in a reduction in the child labour rate from 7.80 per cent (2005) to 5.63 per cent (2009).[1] In 2010, the Programme for the Elimination of Child Labour (Programa de Erradicação do Trabalho Infantil (PETI)) benefited approximately 824,000 children. The programme nowadays seeks to address situations of acute vulnerability, such as those of children and teenagers working in landfills or involved in activities connected to drug trafficking and sexual exploitation.

56. The country has also made considerable strides in promoting and protecting the rights of older persons. The Brazilian Government has given priority to eliminating all forms of discrimination and violence, in addition to providing access to public goods and services necessary for healthy ageing. Of particular note was the amendment introduced to the Senior Citizen Statute (Estatuto do Idoso) (Law No. 12461/2011) in 2011, which established mandatory reporting requirements for public health services as regards acts of violence committed against older persons, and the hosting of the Third National Conference on the Rights of the Elderly.

57. The status of disabled persons has also received priority from the Brazilian Government. In 2011, the "Living without Limits" ("Viver sem Limite") Plan was established as an important initiative dedicated to the promotion and protection of the rights of disabled persons. The Plan provides for investments of up to R$ 7.6 billion until the end of 2014 in initiatives in the fields of education, health, social inclusion and accessibility. It seeks to promote citizenship and strengthen the participation of disabled people in society by eliminating barriers and implementing full access to goods and services on an equal basis.

[1] Brazilian Institute of Geography and Statistics, National Household Sample Survey (PNAD): synthesis of indicators (Rio de Janeiro, PNAD, 2009), p. 69.

58. As regards the rights of the lesbian, gay, bisexual and transgender (LGBT) population, the national plan to promote their rights was unveiled in 2009. The plan is the product of coordinated efforts among various agencies of the Brazilian Government and civil society organizations dedicated to the issue, which had as its highlight the 1st National LGBT Conference (I Conferência Nacional LGBT), held in Brasilia in June 2008. The establishment of the National LGBT Council in 2010, composed of Government and civil society stakeholders, with the purpose of debating and following up on the execution of public policies aimed at the LGBT population, has added an important institutional framework for the protection of their rights. One must also take note of the recognition by the Federal Supreme Court (Supremo Tribunal Federal), in a landmark decision in 2011, of the constitutionality of stable civil unions for same-sex couples. The same year, the 2nd National LGBT Conference was held in Brasilia.

59. Major advances have been secured in promoting racial equality, primarily for the population of African ancestry. In 2010, the Brazilian National Congress passed the Racial Equality Statute (Estatuto da Igualdade Racial), which provides the foundation for promoting affirmative action policies with the goal of repairing social inequalities, as well as other discriminatory practices rooted in the country's historical social development. In rural areas, the *Quilombo* Brazil Programme (Programa Brasil Quilombola (QBP)) has enabled formal recognition of the territories traditionally occupied by *quilombo* communities, while setting forth policies to promote the preservation of their cultural practices. Between 2005 and 2011, 11,506 *quilombola* families benefited from the programme. During this period, 113 technical reports for identification and land delimitation, a necessary part of the process of the land tenure regularization of these communities, were published. By 2008, the programme had promoted the inclusion of 19,821 households in the "Electricity for All" Programme, the inclusion of 19,000 *quilombola* families in the Family Grant (Bolsa Família) Programme, and the investment of R$ 86 million in initiatives to promote regional development and to guarantee the social rights of this population.

60. Brazil has also undertaken initiatives to overcome long-standing economic and social marginalization of indigenous groups. There are currently 660 indigenous territories in the country, covering 13% of the national territory. Between 2007 and 2010, 39 indigenous lands were defined, the highest number recorded in the history of Brazil.[2] Between 2008 and 2011, significant advances were also made in protecting and promoting the rights of indigenous peoples, in particular in the fields of health, civil registration and the delivery of special pension benefits. As part of the Campaign for the Eradication of the Underregistration of Births, more than 8,000 birth records were issued to indigenous individuals.[3] In the area of health,

[2] The indigenous land Tupiniquim Guarani, in Espírito Santo state, and the indigenous land Raposa Serra do Sol, in Roraima state, are included in this list. In the latter, the estimated population of 19,000 indigenous individuals from the Ingarikó, Makuxi, Taurepang Wapixana and Patamona ethnic groups had the permanent possession of their lands and the necessary removal of the non-indigenous region recognized by decision of the Supreme Court on 20 March 2009. A notable benchmark was the decision of the Brazilian Supreme Court (Supremo Tribunal Federal) regarding Pataxó Hã-Hã-Hãe lands, recognizing the demarcation of the indigenous land Caramuru-Paraguaçu concluded by the Indigenous Protection Service (Serviço de Proteção ao Índio) in 1937.

[3] Ministry of Justice, Ministry of Justice Actions 2007-2009 (Brasilia, Ministry of Justice, 2009), p. 45.

there was a decrease in the rates of tuberculosis (-14.13 per cent), malaria (-59.1 per cent) and mortality of children under one year of age (-18.75 per cent),[4] compared to 2007.

61. Combating slave labour and providing for the socioeconomic reintegration of affected workers are long-standing challenges. The Government has promoted actions to reduce the social vulnerability of victims and individuals susceptible to recruitment. Between 2007 and 2010, a total of 567 enforcement operations were conducted in 1,158 establishments, leading to the rescue of 17,361 workers, a 9 per cent increase relative to the period 2003-2006. In 2008, the 2nd National Plan for the Elimination of Slave Labour (II Plano Nacional para a Erradicação do) was unveiled. The initiative ensured that workers rescued from situations of forced labour would receive unemployment insurance benefits, while prioritizing their access to social benefits such as the Family Grant Programme. The House of Representatives took a decisive step in May 2012 with the approval of a proposal to amend the Federal Constitution in order to permit the expropriation of urban and rural property in which labour is employed in conditions analogous to slavery. The bill is under consideration by the Brazilian Senate.

62. As is widely known, Brazil has also made combating violence against women a priority among State policies. In 2003, the National Policy to Combat Violence against Women (Política Nacional de Enfrentamento à Violência contra a Mulher) was enacted, formally consolidating this broad category of violence within a single initiative. To coordinate implementation of this policy, the National Pact on Confronting Violence against Women was instituted in 2007. Other notable steps on this front were the creation of the Special Precincts for Assistance to Women (Delegacias Especiais de Atendimento à Mulher (DEAM)) and the Women's Assistance Hotline — Dial 180 (Central de Atendimento à Mulher — Ligue 180). The approval, in 2006, of the so-called Maria da Penha Law ensured Brazil's compliance with its obligations in respect of the protection of women against domestic violence.

63. Brazil has also adopted public policies to improve the living conditions of women in the countryside. The Food Acquisition Programme ensures that at least 30 to 40 per cent of the food purchased from small farmers comes from women-owned properties. The National Agrarian Reform Programme, in 2003, expanded women's rights to access to land. Families headed by women have gained preference in receiving land titles. Since then, the ratio of women-owned plots granted in the framework of the National Agrarian Reform Programme has increased from 24.1 per cent in 2003 to 55.8 per cent in 2007. To ensure access to credit and to stimulate the economic autonomy of women, a special credit line (Pronaf Women) was created under the National Programme for Family Agriculture. Between 2003 and 2009, more than 37,000 contracts were granted and R$ 236 million was loaned.

64. With respect to public security and improvement of the prison system, Brazil has invested over the past decade in initiatives to prevent and combat torture as well as the excessive use of force by law enforcement agents and correctional officers, and to improve prison conditions and ensure access to justice.

[4] Data concerning the "Protection and Promotion of Indigenous Peoples' Programme" of the 2008-2011 Multi-Year Plan, published by the Ministry of Planning.

65. As regards the prison system, one of the key short-term challenges is to reduce the imbalance between the number of prisoners and the number of places available in the country's prison facilities. In order to create a solution to overcrowding and bad conditions in prison units, the Ministry of Justice launched, on 23 November 2011, the National Programme for Supporting the Prison System (Programa Nacional de Apoio ao Sistema Prisional). By 2014, the Federal Government will transfer R$ 1.1 billion to state governments for the creation of 42,500 places in prison facilities, 15,000 for women and 27,500 for men. The resources will be distributed through the National Penitentiary Fund (Fundo Penitenciário Nacional (Funpen)) taking into consideration the deficits pointed out by the National Penitentiary Information System (Sistema Nacional de Informação Penitenciária). Other noteworthy steps include the implementation of the National Penitentiary System Health Plan (Plano Nacional de Saúde no Sistema Penitenciário), which promotes universal health care and improves professional education and training for personnel engaged in delivering health services in prisons. One should also mention the "Collective Action Prison reviews" ("Mutirões Carcerários") project implemented by the National Justice Council (Conselho Nacional de Justiça), which seeks to ensure that individuals in prison may obtain their permanent release or sentences alternative to imprisonment, where applicable.

66. To combat torture, the Brazilian Government has undertaken coordinated efforts with a view to preventing its practice and delivering assistance to victims. Since 2006, the National Committee on Preventing and Combating Torture (Comitê Nacional de Prevenção e Combate à Tortura), composed of representatives of Government and civil society, has been actively engaged in monitoring, discussing and proposing pertinent Government initiatives to address the phenomenon. For this purpose, the Government also submitted a bill to the Brazilian National Congress to establish the National System for Preventing and Combating Torture (Sistema Nacional de Prevenção e Combate à Tortura), which includes the creation of a national committee and a national mechanism for preventing and combating torture, pursuant to the Optional Protocol to the Convention against Torture.

67. In 2004, Brazil launched a pioneering initiative, the Protection Programme for Human Rights Defenders (Programa de Proteção aos Defensores dos Direitos Humanos). Since its establishment, the programme has taken on 464 cases and provided protection to 257 individuals. There are currently 211 individuals under protection. Moreover, since 1999, Brazil has offered protection to witnesses subject to coercion or grave threat by virtue of their cooperation in criminal investigations and prosecutions through the Protection Programme for Victims and Threatened Witnesses (Programa de Proteção a Vítimas e Testemunhas Ameaçadas (PROVITA)). The programme provides protection to approximately 700 individuals, including victims, witnesses and their relatives. To date, PROVITA has assisted more than 10,000 individuals.

68. Brazil has made significant strides in the area of access to public information. The Law on Access to Information (Lei de Acesso à Informação) came into force on 16 May 2012. It provides for the disclosure of information relating to the judicial or administrative protection of fundamental rights and, in addition, prescribes that access to documents relating to human rights violations committed by public officials, or at the behest of public authorities, cannot be subject to restrictions.

69. In the area of the right to memory and truth, the National Truth Commission (Comissão Nacional da Verdade) was established by Law 12.528 of 18 November 2011 and was installed on 16 May 2012. Upon finishing its mandate in 2014, the Commission will issue a report detailing its findings, in order to promote the right to memory and historical truth.

70. The National Truth Commission's main purposes are: (a) to elucidate cases and the authorship of torture, killings, forced disappearances and the concealment of corpses in Brazil and abroad; (b) to identify and reveal structures, places, institutions and circumstances of human rights violations and their eventual ramifications over a range of State apparatuses and society; (c) to deliver to Government bodies any information which may help to locate and identify the bodies and remains of disappeared persons; (d) to collaborate with all the public authorities to investigate human rights violations; (e) to recommend the adoption of measures and public policies to prevent human rights violations, guarantee the non-repetition of violations and promote effective national reconciliation.

71. It is important to note that expanded civil society participation has become an integral component of all the public policies adopted by the Brazilian Government in connection with the promotion and protection of and respect for human rights. Important initiatives in this sphere included the organization of major national conferences in 2011 in the field of human rights, such as the 14th National Conference on Health (14ª Conferência Nacional de Saúde), the 3rd National Conference on Women's Policies (3ª Conferência Nacional de Políticas para as Mulheres), the 2nd National LGBT Conference (2ª Conferência Nacional LGBT), the 3rd National Conference on the Rights of Older Persons (3ª Conferência Nacional dos Direitos da Pessoa Idosa) and the 9th National Conference on the Rights of the Child and Adolescent (9ª Conferência Nacional dos Direitos da Criança e do Adolescente). The 3rd National Conference on the Rights of Disabled Persons (3ª Conferência Nacional dos Direitos das Pessoas com Deficiência) will be held in December 2012.

United Nations A/67/534

General Assembly

Distr.: General
19 October 2012
English
Original: Spanish

Sixty-seventh session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 15 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a note addressed by the Argentine Government to the United Kingdom reiterating the Argentine Republic's consistent rejection of the British presumption in referring to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of Argentine territory, as well as the Argentine Antarctic Sector, as "British Overseas Territories" in the publication *The Overseas Territories: Security, Success and Sustainability*, or "White Paper 2012" (see annex). The Government of the Argentine Republic also rejects the United Kingdom's presumption in including the so-called "British Antarctic Territory" as a "British Overseas Territory".

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 45, concerning the question of the Malvinas Islands.

(*Signed*) Mateo **Estrémé**
Chargé d'affaires a.i.

12-56057 (E) 241012 241012

Please recycle

Annex to the letter dated 15 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Ministry of Foreign Affairs and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and wishes to refer to the publication entitled *The Overseas Territories: Security, Success and Sustainability*, or "White Paper 2012".

The Government of the Argentine Republic reiterates its consistent rejection of the United Kingdom's presumption in referring to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas as "British Overseas Territories", given that they all constitute an integral part of Argentine territory.

Furthermore, the Government of the Argentine Republic rejects the United Kingdom's presumption in including the so-called "British Antarctic Territory" as a "British Overseas Territory".

It is recalled that United Nations General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, and the resolutions of the Special Committee on decolonization, recognize the existence of a dispute between Argentina and the United Kingdom concerning sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and call upon both parties to resume negotiations with a view to finding a peaceful solution to the dispute as soon as possible.

In addition, the Argentine Government also rejects each and every one of the false claims contained in the white paper, whereby the United Kingdom attempts to distort the history of the Malvinas Islands, South Georgia Islands and South Sandwich Islands. The Charter of the United Nations, which is referred to in the white paper that prompted this note, establishes the obligation of pacific settlement of international disputes, including of course the sovereignty dispute between Argentina and the United Kingdom, which is acknowledged in the white paper. Until this sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands is settled in accordance with the aforementioned resolutions, any unilateral British action related in any way to these archipelagos is illegal and, moreover, incompatible with resolution 31/49, which calls upon Argentina and the United Kingdom to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the question of the Malvinas Islands remains unresolved between the two parties.

The Argentine Government once again reaffirms its imprescriptible rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as well as the Argentine Antarctic Sector, which are an integral part of its national territory.

Buenos Aires, 28 August 2012